

## **REMARKS**

Claims 1-10 are all the claims pending in the Application.

As a preliminary matter, Applicant gratefully acknowledges the courtesies extended by the Examiner in the 3 October 2005 telephone interview with Applicant's representative, Jeffrey Lotspeich. Relevant topics discussed during the interview are set forth below.

Applicant notes with appreciation the Examiner's acknowledgement of the claim for foreign priority under 35 U.S.C. §§ 119(a) – (d), and that a certified copy of the corresponding German application Serial No. 203 03 147.4, filed on 26 February 2003, has been duly filed in this application.

Applicant notes the objection to Figure 3. A replacement Figure 3, free of the listed deficiencies, is submitted herewith. As suggested in the Action, reference number 19 has been changed to reference number 22, and reference number 16 has been changed to reference number 19. Accordingly, Applicant respectfully requests that the objection to Figure 3 be withdrawn.

Claim 3 stands rejected under 35 U.S.C. §112, second paragraph, as being indefinite. The foregoing amendment to this claim adopts the wording suggested by the Examiner in the Action, and is therefore believed to be responsive to the rejection.

Claims 1-5 stand rejected under 35 U.S.C. §102(b) as being anticipated by Kaneko (U.S. patent No. 3,752,019). Applicant respectfully traverses this rejection, and requests reconsideration and allowance of the pending claims in view of the following arguments.

### **Substance of Interview**

Pursuant to M.P.E.P. § 713.04, Applicant provides the following remarks concerning the 3 October 2005 telephone interview on this matter. The Kaneko patent was discussed with regard to claim 1. Applicant's representative explained that bearing fixing plate 7 of Kaneko is

shown fixing bearing 9 to frame 8, and thus plate 7 does not fix the spindle to the frame. The Examiner did not agree with this position and expanded on his arguments presented in the Action by stating that plate 7, working in cooperation with bearing 9, fixes spindle 6 in frame 8.

Applicant's representative also proposed an amendment to claim 1 that includes a fixing means in contact with the spindle. The Examiner agreed that plate 7 (purportedly a "fixing means") of Kaneko is in contact with bearing 9, not spindle 6. The Examiner said such an amendment would distinguish claim 1 over Kaneko, but added that further search would be necessary before determining the allowability of this claim.

#### **Rejection Under 35 U.S.C. §102(b)**

The Examiner rejects claims 1-5 under 35 U.S.C. §102(b) as being anticipated by Kaneko. As explained during the interview, plate 7 (fixing means) of Kaneko is in contact with bearing 9, not spindle 6. Accordingly, Kaneko does not teach or suggest "a fixing means for fixing the spindle in the housing by *contacting the working end of the spindle*," as recited by claim 1. This distinction was acknowledged by the Examiner during the interview.

In view of the foregoing, Kaneko fails to teach or suggest at least one feature recited in claim 1, and therefore this claim is believed to be patentable. Applicant further submits that claims 2-4 are patentable at least by virtue of their dependence on claim 1.

Applicant notes with appreciation that claims 6-10 would be allowable if rewritten in independent form. However, at this time, Applicant respectfully declines this offer in view of the arguments presented herein


Lastly, Applicant has reviewed the cited but not applied patents identified on pages 5 and 6 of the Office Action. They are interesting and appear to be generally related technology, but there is nothing of sufficient relevance to require detailed discussion.

### CONCLUSION

Applicant believes that the Examiner's rejections have been overcome and submits that the subject application is in condition for allowance. Should any issues remain unresolved, Examiner Gates is invited to telephone the undersigned attorney.

Respectfully submitted,

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